IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1213 OF 2005

Sanjay Sitaram Khema..... .....Petitioner.
V/s
State of Maharashtra & Ors.... .....Respondents.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Petitioner in person.

Mrs.P. H. Kantharia, APP for the State.

CORAM:V.G. PALSHIKAR
AND
V. C. DAGA, JJ.

15.6.2005.

PC:

By this petition the petitioner has made the following prayers:

"(a) This Hon'ble Court may clear the Question of law that whether the any police officer/investigation officer have a right to declared the accused a hard core criminal during police custody without doing any investigation (without running the trial) within few hours or on the same day of the registration of false crime in revenge or in general by media trial and whether they have right to declare the accuse is the right hand man of the underworld don and the media itself published the same story without any

proper proof/investigation/without any written statement/press release of the police officer or without taking the version of the accused?

(b)When the investigation officer has not followed the criminal procedure code and the magistrate court are not taking seriously or not taking any action against the police officer/investigation officer then what is the remedies lie in the law?

(c)That this Hon' bleCourt may be pleased to call for the reports regarding the illegal acts of the respondent No.3/4 from the respondent No.1 within one month and after verifying the same the respondent may be directed to pay the damages worth Rs.100,00,000/-.

(d)That this Hon' bleCourt may please direct the respondent no.5 to 11 to published a clarification on the same position and also direct the respondent no.1 and 2 that not to provide any information to the media in future.

(e)That this Hon' bleCourt may please to direct the respondent no.1 and 2 to take a legal action against the respondent no.3 and 4 and their associates.

(f)That this Hon' ble Court may please to direct the respondent no.1 and 2 to protect the life and property of the petitioner

and his family from the respondent no.3 and 4 and their associates.

(g)That this Hon'ble Court direct the respondent no.1 and 2 to submit action taken report to this Hon'ble Court on the petitioners of the petitioner.

(h)That this Hon'ble Court may kindly make judicial inquiry in the interest of natural justice on the above mentioned matter.

(i)For such other and further relief as this Hon'ble Court may deem fit to grant in the circumstances of the case."

2. The petitioner appears in person and submits that action against the respondents is liable to be taken and the above quoted prayers are liable to be granted. For each of the prayers mentioned above the petitioner has effective remedy in appropriate Courts. If he has a grievance of he being maliciously prosecuted the remedy for him to file a complaint is open. If he is harassed by the police officials, criminal complaint against such police officials can be lodged in appropriate criminal court. If he has been defamed action for defamation can be taken in appropriate court. If he wants damages for loss of prestige he has adequate remedy to claim such damages by way of a suit. Thus for each prayer an

independent efficacious remedy is available to the petitioner. Instead the petitioner has chosen to come under Article 226 with these omnibus prayers that there be investigation into the conduct of police department and appropriate action including award of compensation be given to the petitioner. The Supreme Court of India in the case of ***Chairman, Grid Corporation of Orissa Ltd.*** v. ***Sukamani Das,*** AIR 1999 SC 3412 observed that the High Court cannot grant compensation for tortuous liability. Each prayer pertains to such action which according to the petitioner is tortuous. The remedy as observed earlier being elsewhere this petition is dismissed. All criminal applications filed in this petition are accordingly dismissed.

C.C. Expedited.

15.6.2005